

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICCI D. WARREN.

Plaintiff,

V.

CAROLYN W. COLVIN, Acting  
Commissioner of the Social Security  
Administration.

Defendant.

CASE NO. 13-cv-05306 BHS

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration pursuant to sentence four of 42 U.S.C. § 405(g) (ECF No. 16).

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Acting Commissioner.

1 On remand, based on the parties' stipulation, this Court recommends that the  
2 Administrative Law Judge ("the ALJ") evaluate the new evidence submitted with claimant's  
3 request for review; reevaluate the opinions from treating and nontreating sources and explain the  
4 reasons for the weight accorded to all opinion evidence; further consider claimant's residual  
5 functional capacity on the updated record; and, if warranted, obtain supplemental evidence from  
6 a vocational expert.

7 Plaintiff will receive a new hearing and be allowed to testify and to present evidence at  
8 the hearing. The ALJ will make a *de novo* determination as to disability, and issue a new  
9 decision.

10 Following proper application, plaintiff shall be eligible for attorney's fees pursuant to the  
11 Equal Access to Justice Act, 24 U.S.C. § 2412 *et seq.*

12 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
13 immediately approve this Report and Recommendation and order the case be **REVERSED** and  
14 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

15 Dated this 9th day of October, 2013.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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